



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/679,963  
Applicants : Gene Mason et al.  
Filed : October 6, 2003  
TC/A.U. : 3736  
Examiner : Matthew J. Kremer  
  
Title : **OPTICAL PROBE  
INCLUDING  
PREDETERMINED  
EMISSION WAVELENGTH  
BASED ON PATIENT TYPE**  
  
Docket No. : MASIMO.353A  
Cust. No. : 20.995

Confirmation No. : 3580

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated below and are addressed to: Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 1, 2004  
(Date)

John M. Grover, Reg. No. 42,610

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION DATED JUNE 2, 2004**

Sir:

In response to the Office action of June 2, 2004, please amend the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Amendments to the Drawings** begin on page 6 of this paper. Replacement sheets for the drawings being amended can be found in the Appendix.

**Remarks** begin on page 7 of this paper.

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01 FC:1251 161.0A184  
An Appendix including amended drawing figures is attached following page 10 of this paper.